

REMARKS

Claims 1-49 remain pending in the application, with claims 1, 13, 20, 26, 30, 34, 38, 42 and 46 being the independent claims. Independent claims 1, 13, 20, 26, 30, 34, 38, 42 and 46 are sought to be amended. Entry and consideration of this Amendment is respectfully requested. No new matter is believed to have been introduced by this Amendment.

Applicant has made the above Amendment to more particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Based on the above Amendment and the following Remarks, Applicant respectfully requests that the Examiner reconsider and withdraw all outstanding rejections.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 1-49 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended all of the independent claims 1, 13, 20, 26, 30, 34, 38, 42 and 46 to now recite a similar feature of “wherein the consumer preferences are determined at least in part by consumer information linked to at least one of a street address and a telephone number associated with billing information, wherein the billing information is associated with a set-top box of the consumer”.

The Examiner states that it is not clear what kind of information is considered to be “consumer information linked to billing information associated with a set top box.” Applicant respectfully asserts that it is clear from the amended claims that it is consumer information

linked to at least one of a street address and a telephone number associated with billing information, wherein the billing information is associated with a set-top box of the consumer. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection.

Patentability over U.S. Patent No. 6,934,964 (Schaffer) and U.S. Patent No. 6,614,987 (Ismail)

Claims 1-6, 11 and 13-49 are rejected under 35 U.S.C. 102(e) as being anticipated by Schaffer. A careful review of Schaffer failed to locate any language regarding the claimed feature of wherein the consumer preferences are determined at least in part by consumer information linked to at least one of a street address and a telephone number associated with billing information, wherein the billing information is associated with a set-top box of the consumer. Accordingly, Applicants respectfully assert that Schaffer does not teach the claimed feature. Applicants respectfully request that the rejection to claims 1-6, 11 and 13-49 under 35 U.S.C. 102(e) be reconsidered and withdrawn.

Claims 7-10 and 12 are rejected under 35 U.S.C. 103(a) as being anticipated by Schaffer in view of Ismail. Schaffer and Ismail, either taken alone or in combination, do not teach or suggest the claimed feature. Applicants respectfully request that the rejection to claims 7-10 and 12 under 35 U.S.C. 103(a) be reconsidered and withdrawn.

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INVITATION FOR A TELEPHONE INTERVIEW

The Examiner is invited to call the undersigned, Molly A. McCall, at (703) 633-0931 if there remains any issue with allowance of the case.

CONCLUSION

Applicant respectfully submits that all of the stated grounds of rejection have been properly traversed accommodated or rendered moot. Thus, Applicant believes that the present application is in condition for allowance, and as such, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections, and allowance of this application.

Respectfully submitted,

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